

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

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|--|--|--|-------------|
| | | Date of mailing (day/month/year) | 15 APR 2005 |
| Applicant's or agent's file reference 89843.016603 | | FOR FURTHER ACTION See paragraph 2 below | |
| International application No. PCT/US04/12555 | International filing date (day/month/year) 23 April 2004 (23.04.2004) | Priority date (day/month/year) 23 April 2003 (23.04.2003) | |
| International Patent Classification (IPC) or both national classification and IPC IPC(7): A47B 45/00 and US CL.: 312/108, 257.1 | | | |
| Applicant JOHN D. BRUSH & CO. INC. | | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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|---|---|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230 | Authorized officer James O. Hansen <i>Hope for</i> Telephone No. 703-308-2168 |
|---|---|

Form PCT/ISA/237 (cover sheet) (January 2004)

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Rasp due 7-15-05

By: 328

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/12555

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language ____ which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/12555

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|---|-----|
| Novelty (N) | Claims <u>6-9, 12-21, 24-25 & 27-31</u> | YES |
| | Claims <u>1-5, 10-11, 22-23 & 26</u> | NO |
| Inventive step (IS) | Claims <u>6-9, 12-21, 24-25 & 27-31</u> | YES |
| | Claims <u>1-5, 10-11, 22-23 & 26</u> | NO |
| Industrial applicability (IA) | Claims <u>1-31</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

- Claims 1-5 & 10-11 lack novelty under PCT Article 33(2) as being anticipated by Schenker et al. Schenker (figures 1-11) teaches of a multi-drawer file cabinet (10) comprising: a first cabinet (bottom 22) including a top surface having a peripheral edge, the edge having a first perimeter, the first cabinet having a drawer opening defined by an edge (all depicted in fig. 5 for example); and a second cabinet (top 22) including a base, the base having a sidewall with a peripheral edge, the edge having a second perimeter that is larger than the first perimeter (note figs. 1-2), wherein the sidewall fits around the edge of the top surface so that the second cabinet is positioned on top of the first cabinet (fig. 1). The sidewall includes a top edge, wherein the distance between the top edge and the peripheral edge of the sidewall is equal to the distance between the peripheral edge of the top surface of the first cabinet and the edge of the drawer opening as best understood by the examiner. The cabinet comprising at least one bumper (viewed as one of the "bumped-out" sections referenced as (86) in figure 4 for example) mounted to a lower surface of the base. An accessory holder (18) including a base, the base having a sidewall with a peripheral edge, the edge having a third perimeter that is larger than the second perimeter (note figs. 1-2) so that the second cabinet is positioned on top of the first cabinet (fig. 1). At least one of the cabinets including an interior casing, an upper shell portion and a rear shell portion (viewed as elements of 26 for example). At least a portion of the casing being formed of a "fire-resistant" material [plastic] in as much as this limitation's interpretation can vary depending upon an individual's perspective of what constitutes fire resistance. The base includes a top surface, wherein a lip (214) extends from the top surface of the base to engage a front side of the interior casing.
- Claims 22-23 & 26 lack novelty under PCT Article 33(2) as being anticipated by Hassel. Hassel (figures 1-7) teaches of a file cabinet (1) comprising: a housing having an interior compartment assessable through an opening in the housing (see figures), the compartment having a pair of sidewalls (3) with a pair of outer tracks (U-shaped bends) integrally defined, each of the tracks including an inner groove (9 for example) and an outer groove (inside the U-shaped bend); and a drawer assembly (2) including a front drawer assembly, a frame, and a pair of slide members (11), the members being slidably coupled to the frame of the assembly and positioned within the outer tracks (viewed as both within the bounds of tracks on a sidewall and within [between] the tracks on opposing sidewalls) of the housing, wherein the members have a stop (15) extending therefrom that extends into the inner groove. At least one of the housing and the assembly is formed of a "fire-resistant" material (metal). An extrusion (14 or 18) coupled with at least one of the slide members.
- Claims 6-9, 12-21, 24-25 & 27-31 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed limitations as presently recited.
- Claims 1-31 meet the criteria set out in PCT Article 33(4), and thus satisfy industrial applicability because the subject matter claimed can be made or used in industry.